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Increasing Employment Opportunities and Improving Working Conditions for Women

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Increasing Employment Opportunities and Improving Working Conditions for Women

Abstract

[Excerpt] The Equal Pay Act was signed in 1963, requiring that men and women in the same workplace be given equal pay for substantially equal work. A year later, Title VII of the Civil Rights Act was enacted, prohibiting discrimination in employment on the basis of race, color, religion, sex, or national origin. Although there has been great progress over the past several decades, there is still a long way to go to achieve equality for women in the workplace.

Keywords

women, work, gender, pay equality, employment, working conditions

Comments

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Increasing Employment Opportunities and Improving Working Conditions for Women

The Equal Pay Act was signed in 1963, requiring that men and women in the same workplace be given equal pay for substantially equal work. A year later, Title VII of the Civil Rights Act was enacted, prohibiting discrimination in employment on the basis of race, color, religion, sex, or national origin. Although there has been great progress over the past several decades, there is still a long way to go to achieve equality for women in the workplace.

Creating and expanding opportunities for working women is a matter of fundamental fairness and a moral imperative. It is critical to ensuring a skilled workforce that meets employer needs in a 21st century economy. Many families are increasingly dependent on two incomes and many others depend solely on women's paychecks. However, women still hold a majority of low-wage jobs. A pay gap between men and women still exists, despite more women being in the workforce today than ever before. For the first time in history, women make up almost half of the labor force, and play a crucial role in the nation's prosperity.

President Barack Obama demonstrated his commitment to the advancement of women and addressing economic inequality when he signed the Lilly Ledbetter Fair Pay Act of 2009, reversing a Supreme Court decision that made it difficult for women and all protected classes to bring forward pay discrimination cases, and he has advocated for passage of the Paycheck Fairness Act, a comprehensive bill that would strengthen the Equal Pay Act of 1963.

Under the leadership of Secretary Thomas E. Perez, the U.S. Department of Labor has continued its initiatives to create and expand opportunities for women by working to enhance workplace flexibility, worker protection, paid leave, retirement security, advancement of women with disabilities and women veterans, equal employment opportunities, and equal access to job training and educational opportunities through the federally-funded workforce development

system. These programs are rungs on the ladders of opportunity that will help America's women climb to prosperity, accelerate the nation's economic recovery, and strengthen the middle class.

Working Together - By bringing together the expertise of the Department of Labor, Department of Justice, Office of Personnel Management, and Equal Employment Opportunity Commission, the Task Force, established by President Obama in 2010, ensures that the agencies charged with enforcing laws against pay discrimination pursue a coordinated strategy to reduce the persistent pay gap between men and women. In June 2013, the Department's Women's Bureau and Office of Federal Contract Compliance Programs (OFCCP) led the drafting of the Task Force's *50 Years After the Equal Pay Act...Assessing the Past, Taking Stock of the Future*, which examined the impact of the Equal Pay Act on women and set an agenda for addressing the remaining pay gap. The Women's Bureau has revamped its resources and research initiatives to address the gender wage gap, including recent publications on workers' rights and wage discrimination, annual publication of state and regional data comparing women's and men's earnings, and a series of issue briefs examining economic security for women of color.

Building Momentum to the White House Summit on Working Families: On June 23, 2014, the White House, the Department of Labor, and the Center for American Progress will host a Summit on Working Families to set an agenda for a 21st century workplace that works for all Americans. During April and May

2014, the Women's Bureau sponsored regional forums on working families in Atlanta, Boston, Chicago, Denver, New York, and San Francisco. These local discussions were designed to inform the national Summit, build momentum around key policy goals, and highlight best practices and local policy initiatives that help both workers and businesses succeed. The forums convened businesses, academics, labor leaders, members of Congress, state and local law makers, tribal leaders, advocates, media, and workers to discuss issues facing the spectrum of working families - from lower-paid workers, to corporate executives; from parents caring for their children to adults caring for their aging parents.

Increasing the Minimum Wage: President Obama and Secretary Perez continue to urge Congress to enact an increase in the federal minimum wage. An increase would help lift approximately two million people out of poverty. Since Congress has thus far failed to act, President Obama signed an Executive Order raising the minimum wage from \$7.25 to \$10.10 for workers employed through covered federal contracts for which solicitations will be issued after January 1, 2015.

Restoring Overtime Protections for Workers: The overtime rules which established the 40-hour workweek more than 75 years ago, a linchpin of the middle class, have eroded over the years. Today, millions of Americans are not receiving the overtime pay they deserve because the rules are out of date. President Obama signed a Presidential Memorandum directing the Department of Labor to modernize and simplify the overtime rules relating to executive, administrative and professional employees so that workers are paid a fair wage for a hard day's work and the rules are easier for both workers and businesses to understand and apply.

Minimum Wage and Overtime Protections for Home Care Workers: In September 2013, the Department of Labor announced a final rule that extends the Fair Labor Standards Act minimum wage and overtime protections to most home care workers providing services in private homes. These are the same protections that already cover millions of American workers, including those who do the exact same work but in nursing homes or other institutions. Of the nearly two million workers who are affected by this final rule, approximately 90 percent are women.

Ensuring Women Receive the Minimum Wage and Overtime: The Department's Wage and Hour Division has stepped up its enforcement efforts in high-risk industries such as healthcare, restaurant, and garment, which employ large populations of vulnerable workers - many of whom are women - and where the Division has found significant and widespread labor violations. Since 2009, the Division recovered nearly \$335

million in back wages for 478,580 workers in approximately 55,880 cases nationwide in low-wage industries, including industries in which women are likely to work.

Enforcing Equal Opportunity and Pay: The Department is devoting significant enforcement resources to investigating and remedying pay discrimination and ensuring that the doors of opportunity are open for all American workers. OFCCP enforces Executive Order 11246, which mandates equal opportunity and affirmative action in employment by federal contractors and subcontractors. From January 2010 through March 2014, OFCCP has resolved over 100 cases of pay discrimination and recovered approximately \$3.8 million in back pay and salary adjustments for over 1,800 workers. OFCCP continues to investigate cases of systemic discrimination against women in other employment practices, including hiring and promotion. In February 2013, OFCCP rescinded outdated and ineffective guidance that limited the agency's ability to fully address systemic pay discrimination and modernized its approach to better address all forms of discriminatory pay practices and ensure that the agency uses every tool at its disposal to protect workers.

On April 8, 2014, President Obama signed an Executive Order prohibiting federal contractors from discriminating against employees and applicants who choose to discuss their compensation. This Order promotes transparency in pay so that women can ask about, discuss, and disclose what they are being paid by federal contractors and subcontractors. Transparency enables women to identify when they are being paid less than others and to pursue remedies for pay discrimination when the difference is not justified. The same day, the President also directed the Department to propose regulations that will require federal contractors to submit summary data on compensation paid to their employees, including data by sex and race. This data will be used to encourage compliance with equal pay laws and to target enforcement more effectively by focusing efforts where there are discrepancies.

Expansion of DOL's Mega-Construction Projects (MCP) Initiative: Women hold only 2.6 percent of construction jobs - and that number is virtually unchanged over the past 35 years. When the employment rates of women of color in construction are examined, the statistics are even more bleak. The Administration is working to reverse this trend. Through its MCP Initiative, the Department convenes parties involved in large-scale, high-profile construction projects around the country - including contractors, unions, community leaders, and advocates- to ensure coordination and compliance with equal employment obligations. Designed to address the

historical underrepresentation of minorities and women in skilled construction trades, the MCP Initiative enables contractors to identify qualified women and minority workers more easily. DOL has projected that, by 2022, the construction industry will add 1.6 million new jobs to the economy, and women deserve a fair shot at that relatively high-wage work.

Identifying Challenges and Solutions for Targeted Groups:

In 2013, the Women's Bureau and the Office of Disability Employment Policy (ODEP) began its collaboration on *Working Women with Disabilities*, an initiative to determine the major employment factors that have a negative impact on the employability of women with disabilities and that consequently contribute to the overall pay gap experienced by working women with disabilities compared to employed men with disabilities. Working age women with disabilities average an employment rate of 32 percent, and they earn only 60 cents to every dollar earned by able bodied men, 72 cents to every dollar earned by men with disabilities, and 80 cents to every dollar earned by their able bodied female counterparts.

Today, more and more people are working later in life. Many workers want to - or have to - delay retirement, or return to work after retirement. Although older workers are less likely to become unemployed than younger workers, once they lose a job, they are likely to remain out of work longer and tend to experience sharper declines in wages than younger workers. For older women workers, this can be an even more difficult situation because older women are more likely to have financial hardship than older men, due in part to lower lifetime earnings. In September 2013, the Women's Bureau initiated its Economic Security for Older Women Workers initiative, including convening a research conference on older workers that explored retirement patterns and barriers to employment and reemployment such as age and sex discrimination. Since September, the Bureau has published its first fact sheet, *Older Women and Work*, and has begun to convene listening sessions and roundtables across the country to collect information from communities on challenges and best practices in hiring, recruitment and job training.

Keeping Women Workers Safe at the Worksite: In response to the persistently high rates of injuries among the largely female healthcare workforce, the Occupational Safety and Health Administration (OSHA) launched a new emphasis program in 2013 to increase inspections at nursing homes and residential care facilities. OSHA has also joined with the Centers for Medicare & Medicaid Services to develop targeted educational resources for hospital workers and their employers about safe work practices. The Department is continuing outreach to the hair and nail salon industries,

including educational resources and websites, on the risk of formaldehyde exposure from hair-smoothing products, and the dangers of muscle strains, infectious diseases, and chemicals like toluene in nail salons. At the suggestion of OSHA's Women in Construction Subcommittee of the Advisory Committee on Construction Safety and Health, the agency recently launched a new webpage with information and resources about the hazards that women can face at construction job sites.

Work-Life Balance and Workplace Flexibility: As more American families become two-income families and as those wage earners work longer hours, the need for family-friendly labor policies has never been greater. To mark the 20th anniversary of the Family and Medical Leave Act (FMLA) in February 2013, the Department announced a final rule with two important expansions of FMLA protections. The first expansion provides families of eligible veterans with the same job-protected FMLA caregiver leave available to families of military service members, and it also enables more military families to take up to 12 workweeks of leave for activities that arise when their family member is deployed. The second expansion modifies existing eligibility rules to enable more airline personnel and flight crews to access the FMLA's protections. Through guidance issued in 2010, the Department clarified the definition of "son or daughter" under the FMLA to ensure that an employee who assumes the role of caring for a child receives parental rights to family leave regardless of his or her legal or biological relationship to the child. In addition, the Department published a Notice of Proposed Rulemaking to amend the definition of a "spouse" under the FMLA so that eligible employees in legal same-sex marriages will be able to take FMLA leave to care for their spouse or family member, regardless of where they live. This will ensure that the FMLA will now be applied to all families equally, giving spouses in same-sex marriages the same ability as all spouses to fully exercise their rights and responsibilities to their families.

The Department has made key investments in the collection of new data and the promotion of research to inform policy around leave and related issues. This has included adding a supplementary set of leave questions for the first time to the American Time Use Survey and commissioning new FMLA surveys of employees and worksites, the first time this data has been collected in over 10 years. The Department also released the results of a survey on the use and impact of FMLA, which demonstrated the positive impact of the law on the lives of millions of workers and their families, without imposing an undue burden on employers.

In 2010 and 2011, the Women's Bureau hosted a National Dialogue on Workplace Flexibility in a dozen U.S. cities. These forums served as follow-up discussions to the first-ever White House Forum on Workplace Flexibility. At each event, subject matter experts presented new research on challenges and solutions for a range of workers and industries, business leaders highlighted promising practices and workplace programs, and workers and labor unions made the case for how workplace flexibility impacts the lives of workers and their families.

Supporting the Creation of State Paid Leave Programs and Researching Paid Leave Programs: The Department is creating a \$500,000 Paid Leave Analysis Grant Program to fund up to five states to conduct research and feasibility studies that could support the development or implementation of state paid leave programs. The funds can be used to conduct statistical analysis such as feasibility, cost benefit, and actuarial studies; economic impact analyses; financing, eligibility, and benefit modeling; or education, outreach, and marketing analysis for implementation purposes. The selection process will give priority to states that can demonstrate commitment to building a knowledge base needed to implement paid leave programs, and can present clearly articulated strategies for leveraging research to do so.

The Department is also funding two new independent research studies related to paid leave and to worker leave more generally, including examining how paid leave programs impact employers and employees. One study is already underway and focuses on state paid parental leave laws in California, New Jersey, and Rhode Island. The Department has released the first paper from this study which analyzes the positive impact of the California law ten years after implementation. Follow-on papers will analyze other programs that effectively provide paid leave and review the domestic and international literature on the impacts of paid leave on other outcomes of interest, such as wellbeing of workers and their children, as well as the receipt of other social assistance. The second study, which begins next month, includes analyses of current use of leave by workers, and statistical simulations of the likely effects of alternative worker leave policies.

Employment and Training Services for Women: The federally funded public workforce investment system provides important employment, educational and training services to help individuals, including women, find good jobs and advance along a career pathway. As of March 2013, about 48.5 percent of the participants in the Workforce Investment Act (WIA) Adult and Dislocated Worker Programs were women. Similarly, over the same period, approximately 55 percent of the individuals in the WIA youth program were

women. The Adult and Dislocated Worker Program also provides employment and training services to displaced homemakers as defined in the WIA.

Advancing Opportunities for Women in Non-Traditional Occupations and Male Dominated Fields: Through the Women in Apprenticeship and Nontraditional Occupations (WANTO) grant program, the Department promotes the recruitment, training, employment and retention of women in Registered Apprenticeships in "non-traditional occupations." The Department anticipates awarding nearly \$2 million for the WANTO grant program in Program Years 2013 and 2014, to establish a network of regional centers to provide technical assistance to sponsors of Registered Apprenticeship programs to improve their recruitment, selection and retention of women in non-traditional occupations and apprenticeships. The Department will also release a resource guide on women and minorities in apprenticeships, including tools to help employers and community-based organizations strengthen efforts to recruit and select women and minorities for apprenticeships, as well as improve performance and completion rates. In addition, the Department is developing a digital clearinghouse to share the latest and best information on access to non-traditional occupations, including industry promising practices, job and training opportunities, and relevant research and data, for use by trade associations, training organizations, employers, and women interested in non-traditional occupations and apprenticeship opportunities. The Department has also commissioned studies that evaluate existing adult and dislocated worker programs to identify the barriers that women face in accessing non-traditional occupations, as well as successful evidence-based strategies to increase employment opportunities in these professions. The Department will soon release summary data on women's participation in transportation, technology and manufacturing fields.

Through the Trade Adjustment Assistance Community College and Career Training Grant Program, the Department has awarded nearly \$1.5 billion to community colleges and other eligible institutions of higher education to prepare program participants for employment in high-wage, high-skill occupations. With the help of these funds, several grantees have expanded job opportunities for women in high-demand fields. For example, Essex County College in New Jersey is developing three new Information Technology programs: Cyber Security and Networks; Software Development; and Health IT, with a special focus on increasing the number of women in these careers. Similarly, the Mid-South Community College in Arkansas, with the support of the Manufacturing Institute, is aligning its manufacturing programs with

industry-endorsed credentials that meet increasing advanced manufacturing skill needs. These efforts led to several opportunities for women to earn a credential in the Welding Program which eventually led to a welding career.

Advancing Opportunity for Female Ex-Offenders: The Department's Reintegration of Ex-Offender Program has awarded \$24 million to fund 17 grants to serve female ex-offenders in Program Years 2012 and 2013. The purpose of these grants is to improve the long-term labor market prospects of ex-offenders who demonstrate characteristics common to female ex-offenders: sexual or physical abuse, family turmoil, learning disabilities and school failure, and mental health and substance abuse issues, by using strategies targeted to these characteristics.

Increasing Women's Health and Retirement Security: The Department's Employee Benefits Security Administration (EBSA) educates women about retirement and health benefits to help them increase their financial fitness, maintain health coverage, and exercise their rights under the law. In 2014, EBSA coordinated a panel at the National Conference for College Women Student Leaders on the importance of starting early with basic financial planning as young women transition from college to a career. EBSA also partnered with key stakeholders to develop interactive financial planning worksheets to help young women set financial goals, start a budget, manage debt and determine their savings rate; and hosted webinars - in both English and Spanish - to help women save for retirement and make the most of their health coverage, including information on the Affordable Care Act and the Women's Health and Cancer Rights Act. In the two months since the launch of the interactive worksheets, EBSA has recorded over 8,200 online visits and distributed 50,000 hard copies to employers and Members of Congress for constituent dissemination in addition to providing the Consumer Financial Protection Bureau with 75,000 copies as part of their community outreach project with libraries across the country.

In September 2013, ODEP coordinated the publication of *Trauma-Informed Approaches: Federal Activities and Initiatives: Federal Partners Committee on Women and Trauma—A Working Document /Second Report*. The report documents the projects, programs, and initiatives of more than three dozen federal agencies, departments, and offices under the Federal Partners' Committee on Women and Trauma. One of the largest interagency collaborations

in federal government history, this committee is co-chaired by ODEP and the Substance Abuse and Mental Health Services Administration at HHS. Several Department agencies contributed to the report, including the WB; the Office of Worklife, Leave, and Benefits Policy and Programs; OSHA; and the Veterans' Employment and Training Services (VETS).

New Program on Training and Employment for Women Veterans: Women are the fastest growing population of veterans and are more likely than their male counterparts to be in the workforce. While approximately 10 percent of all veterans are women, 13 percent of all veterans in the labor force and 20 percent of Gulf War II veterans are women. Efforts to create and expand opportunities for working women must include women veterans, who may experience an overlap of challenges faced by both other working women and their male veteran counterparts. The new VETS Women Veteran Program, implemented in collaboration with the Women's Bureau, is designed to empower women veterans to achieve economic stability and equality in the workplace. Established in the fall of 2013, the VETS Women Veteran Program is contributing to increased awareness of this rich talent pool among employers, decreased perpetration of damaging myths and stigmas pertaining to this population, and increasing awareness of American Job Centers and other valuable resources among women veterans and those who influence them.

International Cooperation: The Bureau of International Labor Affairs (ILAB) continues to work with ministries of labor and employment from other governments on developing programs and policies combating discrimination in the workplace and ensuring equal opportunities for all workers. In partnership with the U.S. Department of State, efforts in this area have been made bilaterally with Brazil, Colombia, and Argentina and in multilateral discussions at the Inter-American Conference of Ministers of Labor of the Organization for American States, at the Asia-Pacific Economic Cooperation and in the G-20. ILAB also makes grants for projects that advance the interests and welfare of domestic workers, agriculture workers, and workers in the manufacturing industry, many of whom are women. Among the practices that are addressed by ILAB-funded projects are sex discrimination, domestic violence, family nutrition, and equal opportunity in the workplace.